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LUHRS MARKETING RESEARCH CORPORA

IMPROVED BUTTERBALL DELI TURKEY BREAST VS. COMPETITION PRODUCT TEST (MCB 075)

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CRPF03524

DEPOSITION EXHIBIT
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2-14-02

BACKGROUND AND OBJECTIVES

- Research conducted in fall 1997 indicated that consumer acceptance of Butterball Deli Oven Roasted Turkey Breast would be enhanced if it had a darker outer color and a less uniform / more natural shape. Thus, modifications were undertaken to produce a product that would more closely match the consumer's idea of optimal deli turkey breast. This effort resulted in a maillose-browned prototype that was submitted for testing relative to competition.

- Two different batches of maillose-browned products were produced in:
  - Longmont
  - Jonesboro

  The Longmont-produced product was chosen to be tested against all competitors because it more closely resembles the shape profile of the target revised product. The Jonesboro-produced product was tested against one competitive product, Jennie-O. This one cell was conducted as a benchmark to compare Jennie-O / Longmont vs. Jennie-O / Jonesboro.

- This product test was conducted to determine consumer preference for Improved Butterball Deli Oven Roasted Turkey Breast (Longmont)

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relative to four key competitors: Boar's Head Oven Gold, Sara Lee Oven Roasted, Dietz & Watson Hom style, and Jennie-O Tender Browned.

ACTION CRITERION

- Improved Butterball will be considered preferred over the competitor if the overall preference score is statistically higher at the 90% level of confidence.

- Favorable data will be used in trade presentations.

METHODOLOGY

- Product testing was conducted at central-location facilities in five geographically dispersed markets with average or above category development and at least average Butterball brand development: Chicago, Cleveland, Philadelphia, Tampa and San Francisco.

- Study participants were pre-recruited by telephone. Qualified to participate were 472 men and women who:
  - were age 21 to 59, and
  - had eaten any service deli sliced oven roasted turkey breast in the past three months.

- Each group of 150 respondents tasted and evaluated two pairs of products on a blind basis, with Butterball always one of the products in each pair. After tasting two pairs of slices, respondents viewed and evaluated the same pairs of whole ("cut face") chunks as would be seen in the deli case at the supermarket. Pair and product position was rotated to equalize position bias.

- A copy of the questionnaire used in this study is appended.

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- The study was conducted August 11-12 (Longmont Butterball) and August 25-26 (Jonesboro Butterball), 1998.

- Competitive product had a sell by date no earlier than 9/1. Longmont Butterball product was produced the week of 7/13. Jonesboro Butterball product was produced the week of 7/20.

Note: Overall preference was analyzed by Butterball users and heavy category users (3 times per week or more) as well as in total. Subgroup results are mentioned only if they differ from those among total respondents.

SUMMARY

- After tasting the turkey breast **slices**, no respondent group expresses an overall preference for Improved Butterball over the competition. Specifically—
  - Boar's Head, Sara Lee and Jennie-O are preferred over Improved Butterball primarily because of a more natural / real turkey flavor.
  - Improved Butterball is at parity with Dietz & Watson.

- As for overall preference upon viewing the **chunks**, Boar's Head is preferred over Improved Butterball for its more natural turkey appearance. Butterball is the winner relative to Sara Lee and Dietz & Watson, and parity with Jennie-O.

- Focusing on Jonesboro-produced Butterball versus Jennie-O, respondents prefer Jennie-O overall after tasting the slices, but prefer Jonesboro Butterball overall upon viewing the chunks.

DETAILED FINDINGS

IMPROVED BUTTERBALL VS. BOAR'S HEAD

Slices

- Overall, Boar's Head is preferred over Improved Butterball. Among heavy category users, however, the two products are equally preferred.

- On appearance and meat color, Butterball and Boar's Head are equally preferred. Butterball has the advantage on edge color (darker).

- In terms of overall flavor, Boar's Head is preferred over Butterball. On strength of flavor, however, the two products are at parity.

- While Boar's Head is preferred on overall texture, Butterball has the advantage on moistness (more moist).

- Open-ended reasons for preferring Boar's Head strongly emphasize flavor and "naturalness".

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Chunk Appearance

- Overall, the Boar's Head chunk is preferred over Improved Butterball, on all dimensions measured – outside appearance, outer color (darker), shape of chunk, inside color (lighter), appearance of inside meat (more visible grain), and looks more like homemade.

- Reasons for preferring Boar's Head overall show an especially strong perception that Boar's Head is a more homemade / more natural / like real turkey.

PREFERENCE RATINGS - SLICES

	Improved Butterball vs. Boar's Head		
	Total	Butterball Users	Heavy Category Users
Base: Total	(158)	(112)	(44)
	%	%	%
Overall			
Prefer Butterball	39	40	48
Prefer Boar's Head	56	53	45
No preference	5	7	7
Overall Appearance			
Prefer Butterball	41	44	41
Prefer Boar's Head	42	39	39
No preference	16	17	20
Meat Color			
Prefer Butterball	40	42	45
Darker	18	19	20
Lighter	20	21	25
Prefer Boar's Head	44	43	43
Darker	15	14	9
Lighter	29	29	34
No preference	16	15	11
Edge Color			
Prefer Butterball	42	46	41
Darker	23	24	20
Lighter	16	20	18
Prefer Boar's Head	33	34	43
Darker	18	21	27
Lighter	13	13	16
No preference	25	21	16
Overall Flavor			
Prefer Butterball	42	43	50
Prefer Boar's Head	55	53	45
No preference	3	4	5

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PREFERENCE RATINGS - SLICES (C nt.)

	Improved Butterball vs. Boar's Head		
	Total	Butterball Users	Heavy Category Users
Base: Total	(158)	(112)	(44)
	%	%	%
Strength of Flavor			
Prefer Butterball	42	42	52
Stronger	18	18	18
Milder	24	24	34
Prefer Boar's Head	51	49	41
Stronger	39	38	34
Milder	12	11	7
No preference	7	9	7
Overall Texture			
Prefer Butterball	39	41	52
Prefer Boar's Head	50	47	39
No preference	11	12	9
Moistness			
Prefer Butterball	50	56	52
More moist	47	53	52
More dry	3	4	-
Prefer Boar's Head	36	30	36
More moist	12	10	9
More dry	24	21	27
No preference	14	13	11

Significantly higher within the same column at the 90% confidence level
01

REASONS FOR OVERALL SLICE PREFERENCE

	Prefer Improved Butterball	Prefer Boar's Head
Base: Total	(154)	(154)
	%	%
Product Preferred	39	56
Taste	30	49
Seasoning (Subnet)	5	15
Not as salty	1	8
Better seasoning	-	5
Other Taste (Subnet)	27	42
More flavor / stronger flavor	6	6
Tastes natural / not processed / artificial	3	14
Good / better tasting	12	8
Texture	26	26
Better texture	3	7
Juicier / moister	17	3
Drier	1	7
Texture more like real turkey	1	5
Appearance	10	11
Color (Subnet)	6	3
Other Appearance (Subnet)	4	8
Looks natural	1	7
Natural	4	22
Tastes natural / not processed / artificial	3	14
Texture more like real turkey	1	5
Looks natural	1	7

Significantly higher at the 90% confidence level

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PREFERENCE RATINGS - CHUNKS

	Improved Butterball vs. Boar's Head		
	Total	Butterball Users	Heavy Category Users
Base: Total	(158)	(112)	(44)
	%	%	%
Overall			
Prefer Butterball	31	36	32
Prefer Boar's Head	61	56	61
No preference	8	8	7
Outside Appearance			
Prefer Butterball	34	40	41
Prefer Boar's Head	59	54	55
No preference	8	6	5
Outer Color			
Prefer Butterball	34	40	39
Darker	18	21	16
Lighter	16	20	23
Prefer Boar's Head	57	54	55
Darker	37	35	41
Lighter	17	19	11
No preference	9	5	7
Shape of Chunk			
Prefer Butterball	25	28	30
Prefer Boar's Head	49	46	52
No preference	26	26	18
Inside Color			
Prefer Butterball	28	34	32
Darker	13	17	20
Lighter	12	14	9
Prefer Boar's Head	48	45	52
Darker	16	15	9
Lighter	32	29	41
No preference	24	21	16

PREFERENCE RATINGS - CHUNKS (Cont.)

	Improved Butterball vs. Boar's Head		
	Total	Butterball Users	Heavy Category Users
Base: Total	(158)	(112)	(44)
	%	%	%
Appearance of Inside Meat			
Prefer Butterball	31	36	34
More visible grain	15	17	20
Less visible grain	16	18	14
Prefer Boar's Head	55	51	52
More visible grain	52	49	48
Less visible grain	3	2	5
No preference	13	13	14
Homemade Look			
Prefer Butterball	21	26	20
Prefer Boar's Head	73	67	75
No preference	6	7	5

Significantly higher within the same column at the 90% confidence level
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REASONS FOR OVERALL CHUNK APPEARANCE PREFERENCE

	Prefer Improved Butterball	Prefer Boar's Head
Base: Total	(155) %	(155) %
Product Preferred	31	61
Color	12	8
No spots / uniform color / consistent	7	1
Edge	3	6
Texture	10	14
Juicier / moister	4	5
Natural	6	37
Looks natural / looks like real turkey	3	32
Looks like homemade turkey	3	5
Other		
Looks appealing	5	6
Can see seasonings / spices	1	11
Like the shape	5	5

Significantly higher at the 90% confidence level

04

IMPROVED BUTTERBALL VS. SARA LEE

Slices

- Respondents prefer Sara Lee over Improved Butterball overall as well as on overall flavor, strength of flavor (stronger), overall texture, and moistness (more moist).

- The two products are equally preferred on appearance and meat color. Butterball wins on edge color (darker).

- Open-ended reasons for preference confirm a strong flavor preference for Sara Lee. More natural flavor and appearance are also cited as reasons for preferring Sara Lee.

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Chunk Appearanc

- The Improved Butterball chunk is strongly preferred over Sara Lee overall. Contributing to this preference are the following strengths:
  - Outer appearance
  - Darker outer color
  - Shape
  - Inside meat color
  - Inside meat texture

- The two chunks are at parity on "look homemade".

- Reasons for preferring Improved Butterball are its darker / browner edge and leaner / not fatty appearance.

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PREFERENCE RATINGS - SLICES

	Improved Butterball vs. Sara Lee		
	Total	Butterball Users	Heavy Category Users
Base: Total	(162)	(113)	(50)
	%	%	%
Overall			
Prefer Butterball	38	38	36
Prefer Sara Lee	57	58	58
No preference	5	4	6
Overall Appearance			
Prefer Butterball	39	40	50
Prefer Sara Lee	48	46	42
No preference	13	14	8
Meat Color			
Prefer Butterball	37	39	42
Darker	24	26	32
Lighter	12	12	8
Prefer Sara Lee	42	45	42
Darker	9	12	6
Lighter	33	34	36
No preference	21	16	16
Edge Color			
Prefer Butterball	45	48	42
Darker	37	39	34
Lighter	7	7	8
Prefer Sara Lee	23	23	28
Darker	4	2	2
Lighter	18	20	26
No preference	32	30	30
Overall Flavor			
Prefer Butterball	38	36	32
Prefer Sara Lee	58	59	60
No preference	4	4	8

PREFERENCE RATINGS - SLICES (Cont.)

	Improved Butterball vs. Sara Lee		
	Total	Butterball Users	Heavy Category Users
Base: Total	(162)	(113)	(50)
	%	%	%
Strength of Flavor			
Prefer Butterball	38	39	38
Stronger	22	21	18
Milder	15	16	18
Prefer Sara Lee	55	56	54
Stronger	38	37	34
Milder	17	19	20
No preference	7	5	8
Overall Texture			
Prefer Butterball	36	36	38
Prefer Sara Lee	52	52	50
No preference	11	12	12
Moistness			
Prefer Butterball	37	37	37
More moist	29	29	22
More dry	7	7	14
Prefer Sara Lee	47	46	49
More moist	32	28	37
More dry	15	18	12
No preference	16	17	14

Significantly higher within the same column at the 90% confidence level
05

REASONS FOR OVERALL SLICE PREFERENCE

	Prefer Improved Butterball	Prefer Sara Lee
Base: Total	(159) %	(159) %
Product Preferred	38	57
Taste	29	53
Seasoning (Subnet)	8	6
Not as salty	7	5
Other Taste (Subnet)	25	48
More flavor / stronger flavor	5	4
Tastes natural / not processed / artificial	1	18
More turkey flavor / stronger turkey taste	3	6
Fresher taste	3	8
Good / better tasting	7	14
Texture	19	28
Better texture	3	7
Juicier / moister	7	7
Drier	2	6
Appearance	9	18
Color (Subnet)	6	4
Natural	3	25
Tastes natural / not processed / artificial	1	18
Looks natural	2	9

Significantly higher at the 90% confidence level
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PREFERENCE RATINGS - CHUNKS

	Improved Butterball vs. Sara Lee		
	Total	Butterball Users	Heavy Category Users
Base: Total	(161)	(112)	(50)
	%	%	%
Overall			
Prefer Butterball	60	63	74
Prefer Sara Lee	30	31	24
No preference	10	6	2
Outside Appearance			
Prefer Butterball	65	65	78
Prefer Sara Lee	28	31	18
No preference	7	4	4
Outer Color			
Prefer Butterball	67	65	74
Darker	61	59	64
Lighter	4	4	6
Prefer Sara Lee	25	30	18
Darker	5	7	4
Lighter	20	23	14
No preference	8	4	8
Shape of Chunk			
Prefer Butterball	36	37	46
Prefer Sara Lee	28	31	22
No preference	36	32	32
Inside Color			
Prefer Butterball	52	54	64
Darker	27	27	32
Lighter	23	25	30
Prefer Sara Lee	24	24	24
Darker	6	7	8
Lighter	19	17	16
No preference	24	22	12

PREFERENCE RATINGS - CHUNKS

	Improved Butterball vs. Sara Lee		
	Total	Butterball Users	Heavy Category Users
Base: Total	(161)	(112)	(50)
	%	%	%
Appearance of Inside Meat			
Prefer Butterball	60	59	71
More visible grain	27	24	31
Less visible grain	33	34	41
Prefer Sara Lee	29	33	20
More visible grain	27	30	18
Less visible grain	2	3	2
No preference	11	8	8
Homemade Look			
Prefer Butterball	44	46	48
Prefer Sara Lee	48	47	42
No preference	8	7	10

Significantly higher within the same column at the 90% confidence level
07

REASONS FOR OVERALL CHUNK APPEARANCE PREFERENCE

	Prefer Improved Butterball	Prefer Sara Lee
Base: Total	(156)	(156)
	%	%
Product Preferred	60	30
Color	18	8
Better color	10	3
No spots / uniform color / consistent	6	1
Edge	19	4
Darker / browner	6	1
Looks like well-done	6	1
Better edge / outside	5	3
Texture	20	8
Better texture	10	1
Natural	12	21
Looks natural / looks like real turkey	12	19
Other		
Doesn't look fatty / looks leaner	11	-
Looks appealing	10	1
Like the shape	5	5

Significantly higher at the 90% confidence level

06

IMPROVED BUTTERBALL VS. DIETZ & WATSON

Slices

- Improved Butterball and Dietz & Watson are at parity on overall preference. Butterball users, however, prefer the Butterball product.

- Butterball has the advantage on moistness (more moist). The two products are equally preferred on the remaining diagnostics—appearance, meat color, edge color, flavor, strength of flavor, and texture.
  - On meat and edge color, Butterball is preferred because it is lighter, while Dietz & Watson is chosen because it is darker.
  - On strength of flavor, Butterball is preferred because it is milder, while Dietz & Watson is liked because it is stronger.

- Open-ended reasons for preference show that Butterball is chosen mainly for its better taste and juicier / moister texture. Reasons for preferring Dietz & Watson are varied and at relatively low levels.

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Chunk Appearance

- The Improved Butterball chunk is preferred over Dietz & Watson overall and on almost every measure – outside appearance, lighter outer color, shape of chunk, lighter inside color, and appearance of inside meat.

- The two chunks are at parity on "looks homemade".

- Open-ended reasons for chunk appearance preference confirm the appeal of Butterball's lighter color.

PREFERENCE RATINGS - SLICES

	Improved Butterball vs. Dietz & Watson		
	Total	Butterball Users	Heavy Category Users
Base: Total	(156)	(112)	(37)
	%	%	%
Overall			
Prefer Butterball	49	53	59
Prefer Dietz & Watson	42	39	41
No preference	8	8	-
Overall Appearance			
Prefer Butterball	48	51	51
Prefer Dietz & Watson	41	38	41
No preference	10	11	8
Meat Color			
Prefer Butterball	42	45	54
Darker	8	8	3
Lighter	34	36	51
Prefer Dietz & Watson	34	31	30
Darker	24	21	16
Lighter	10	9	14
No preference	24	24	16
Edge Color			
Prefer Butterball	38	41	38
Darker	6	7	3
Lighter	33	34	35
Prefer Dietz & Watson	41	38	51
Darker	36	33	46
Lighter	4	4	3
No preference	21	21	11
Overall Flavor			
Prefer Butterball	47	48	49
Prefer Dietz & Watson	44	43	41
No preference	8	9	11

PREFERENCE RATINGS - SLICES (Cont.)

	Improved Butterball vs. Dietz & Watson		
	Total	Butterball Users	Heavy Category Users
Base: Total	(156)	(112)	(37)
	%	%	%
Strength of Flavor			
Prefer Butterball	47	48	49
Stronger	17	15	14
Milder	30	32	35
Prefer Dietz & Watson	43	44	46
Stronger	31	29	38
Milder	12	14	5
No preference	10	8	5
Overall Texture			
Prefer Butterball	40	43	38
Prefer Dietz & Watson	41	36	46
No preference	19	21	16
Moistness			
Prefer Butterball	49	51	54
More moist	41	42	38
More dry	8	9	16
Prefer Dietz & Watson	29	26	35
More moist	14	12	14
More dry	15	12	22
No preference	22	23	11

Significantly higher within the same column at the 90% confidence level
09

REASONS FOR OVERALL SLICE PREFERENCE

	Prefer Improved Butterball	Prefer Dietz & Watson
Base: Total	(155)	(155)
	%	%
Product Preferred	49	42
Taste	40	37
Seasoning (Subnet)	5	8
Not as salty	3	7
Other Taste (Subnet)	35	29
More flavor / stronger flavor	7	6
Tastes natural / not processed / artificial	5	5
Good / better tasting	15	6
Texture	17	19
Juicier / moister	12	5
Drier	1	6
Appearance	15	6
Color (Subnet)	9	5
Better color	6	2
Other Appearance (Subnet)	8	2
Better appearance	5	1
Natural	5	6
Tastes natural / not processed / artificial	5	5

Significantly higher at the 90% confidence level

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PREFERENCE RATINGS - CHUNKS

	Improved Butterball vs. Dietz & Watson		
	Total	Butterball Users	Heavy Category Users
Base: Total	(156)	(112)	(37)
	%	%	%
Overall			
Prefer Butterball	51	52	62
Prefer Dietz & Watson	36	35	19
No preference	13	13	19
Outside Appearance			
Prefer Butterball	52	53	49
Prefer Dietz & Watson	38	38	32
No preference	10	9	19
Outer Color			
Prefer Butterball	52	52	51
Darker	3	4	5
Lighter	48	48	46
Prefer Dietz & Watson	40	41	38
Darker	40	41	38
Lighter	-	-	-
No preference	8	7	11
Shape of Chunk			
Prefer Butterball	39	39	43
Prefer Dietz & Watson	28	25	19
No preference	33	36	38
Inside Color			
Prefer Butterball	51	54	62
Darker	5	7	11
Lighter	46	47	51
Prefer Dietz & Watson	27	23	22
Darker	20	18	16
Lighter	6	5	5
No preference	22	22	16

PREFERENCE RATINGS - CHUNKS (Cont.)

	Improved Butterball vs. Dietz & Watson		
	Total	Butterball Users	Heavy Category Users
Base: Total	(156)	(112)	(37)
	%	%	%
Appearance of Inside Meat			
Prefer Butterball	57	61	65
More visible grain	25	26	32
Less visible grain	31	34	30
Prefer Dietz & Watson	29	25	24
More visible grain	25	21	22
Less visible grain	3	3	3
No preference	13	14	11
Homemade Look			
Prefer Butterball	45	45	46
Prefer Dietz & Watson	45	42	43
No preference	11	13	11

Significantly higher within the same column at the 90% confidence level

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REASONS FOR OVERALL CHUNK APPEARANCE PREFERENCE

	Prefer Improved Butterball	Prefer Dietz & Watson
Base: Total	(155)	(155)
	%	%
Product Preferred	51	36
Color	20	6
Lighter	9	-
Dark color	-	5
Better color	5	2
Edge	6	6
Better edge / outside	5	2
Texture	19	6
Better texture	6	1
Juicier / moister	6	1
Natural	9	14
Looks natural / looks like real turkey	5	14
Other		
Doesn't look fatty / looks leaner	6	1
Better appearance	6	3
Looks appealing	4	5
Like the shape	5	5

Significantly higher at the 90% confidence level

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IMPROVED BUTTERBALL VS. JENNIE-O

Slices

- Jennie-O is preferred overall and on all diagnostic measures – appearance, lighter meat color, edge color, flavor, stronger flavor, texture, and moistness.

- Open-ended reasons for preference center on stronger, more natural flavor and natural texture.

Chunk Appearance

- In total, Improved Butterball and Jennie-O chunks are equally preferred overall. Butterball users, however, prefer the Improved Butterball chunk.

- On all diagnostic measures, the Butterball and Jennie-O chunks are at parity.

PREFERENCE RATINGS - SLICES (Cont.)

	Improved Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(155)	(108)	(45)
	%	%	%
Strength of Flavor			
Prefer Butterball	26	27	22
Stronger	12	14	16
Milder	14	12	4
Prefer Jennie-O	68	68	71
Stronger	53	51	58
Milder	16	17	13
No preference	6	6	7
Overall Texture			
Prefer Butterball	27	30	29
Prefer Jennie-O	62	61	62
No preference	11	9	9
Moistness			
Prefer Butterball	34	35	38
More moist	25	26	29
More dry	8	9	9
Prefer Jennie-O	55	57	58
More moist	32	35	42
More dry	23	22	16
No preference	12	7	4

Significantly higher within the same column at the 90% confidence level

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REASONS FOR OVERALL SLICE PREFERENCE

	Prefer Improved Butterball	Prefer Jennie-O
Base: Total	(155)	(155)
	%	%
Product Preferred	30	64
Taste	25	54
Seasoning (Subnet)	6	5
Not as salty	5	3
Other Taste (Subnet)	22	51
More flavor / stronger flavor	4	9
Tastes natural / not processed / artificial	3	12
More turkey flavor / stronger turkey taste	2	6
Tastes like home cooking	1	5
Good / better tasting	4	10
Has a roasted taste	1	6
Texture	18	35
Better texture	1	7
Juicier / moister	11	12
Drier	5	5
Texture more like real turkey	-	5
Natural	3	16
Tastes natural / not processed / artificial	3	12
Texture more like real turkey	-	5
Appearance	1	10

Significantly higher at the 90% confidence level

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PREFERENCE RATINGS - CHUNKS

	Improved Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(154)	(107)	(45)
	%	%	%
Overall			
Prefer Butterball	47	51	44
Prefer Jennie-O	41	38	47
No preference	12	10	9
Outside Appearance			
Prefer Butterball	45	48	42
Prefer Jennie-O	42	41	51
No preference	14	11	7
Outer Color			
Prefer Butterball	44	47	40
Darker	24	25	18
Lighter	20	21	22
Prefer Jennie-O	38	39	49
Darker	20	19	24
Lighter	18	20	22
No preference	18	14	11
Shape of Chunk			
Prefer Butterball	29	29	29
Prefer Jennie-O	35	33	44
No preference	36	38	27
Inside Color			
Prefer Butterball	40	45	38
Darker	10	11	7
Lighter	29	34	29
Prefer Jennie-O	36	35	44
Darker	19	19	20
Lighter	16	16	24
No preference	25	21	18

PREFERENCE RATINGS - CHUNKS (Cont.)

	Improved Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(154)	(107)	(45)
	%	%	%
Appearance of Inside Meat			
Prefer Butterball	46	52	49
More visible grain	28	33	20
Less visible grain	18	19	29
Prefer Jennie-O	43	41	47
More visible grain	31	31	40
Less visible grain	11	10	7
No preference	11	7	4
Homemade Look			
Prefer Butterball	41	45	47
Prefer Jennie-O	49	47	49
No preference	10	8	4

Significantly higher within the same column at the 90% confidence level

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PTO-002909

REASONS FOR OVERALL CHUNK APPEARANCE PREFERENCE

	Prefer Improved Butterball	Prefer Jennie-O
Base: Total	(152) %	(152) %
Product Preferred	47	41
Color	14	11
Better color	2	5
Edge	9	7
Like roasted edge / outside	5	1
Texture	20	15
Juicier / moister	8	4
Natural	14	19
Looks natural / looks like real turkey	9	14
Other		
Like the shape	5	5

Significantly higher at the 90% confidence level

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BUTTERBALL (JONESBORO) VS. JENNIE-O

Slices

- Overall, Jennie-O is preferred over Jonesboro-produced Butterball on all diagnostics except edge color, where they are at parity.

- Reasons for preference, on an open-ended basis, indicate that Jennie-O is perceived to have a more natural flavor.

Chunk Appearance

- Jonesboro Butterball is preferred over the Jennie-O chunk on most chunk appearance measures – outside appearance, outer color, and appearance of inside meat.

- The two brands are equally preferred on shape of chunk, inside color, and looks more like homemade.

- Butterball's darker, browner outer color appears to have given it the edge, based on open-ended reasons for preference.

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PREFERENCE RATINGS - SLICES

	Jonesboro Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(155)	(108)	(45)
	%	%	%
Overall			
Prefer Butterball	34	33	29
Prefer Jennie-O	63	62	69
No preference	4	5	2
Overall Appearance			
Prefer Butterball	30	35	24
Prefer Jennie-O	47	45	58
No preference	23	19	18
Meat Color			
Prefer Butterball	25	27	16
Darker	7	6	7
Lighter	16	19	9
Prefer Jennie-O	45	46	56
Darker	22	23	24
Lighter	21	19	29
No preference	30	27	29
Edge Color			
Prefer Butterball	34	39	20
Darker	24	27	11
Lighter	8	10	9
Prefer Jennie-O	27	25	40
Darker	10	11	11
Lighter	17	14	29
No preference	39	36	40
Overall Flavor			
Prefer Butterball	34	34	27
Prefer Jennie-O	65	64	73
No preference	2	2	-

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PREFERENCE RATINGS - SLICES (Cont.)

	Jonesboro Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(155)	(108)	(45)
	%	%	%
Strength of Flavor			
Prefer Butterball	33	33	27
Stronger	19	19	22
Milder	14	14	4
Prefer Jennie-O	61	60	71
Stronger	44	45	56
Milder	17	15	16
No preference	6	6	2
Overall Texture			
Prefer Butterball	27	30	24
Prefer Jennie-O	58	55	67
No preference	14	15	9
Moistness			
Prefer Butterball	32	33	27
More moist	28	28	24
More dry	5	6	2
Prefer Jennie-O	55	53	62
More moist	32	31	47
More dry	23	22	16
No preference	13	14	11

Significantly higher within the same column at the 90% confidence level

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PTO-002913

REASONS FOR OVERALL SLICE PREFERENCE

	Prefer Jonesboro Butterball	Prefer Jennie-O
Base: Total	(155) %	(155) %
Product Preferred	34	63
Taste	25	57
Seasoning (Subnet)	6	8
Not as salty	5	6
Other Taste (Subnet)	22	51
More flavor / stronger flavor	3	8
Tastes natural / not processed / artificial	6	14
More turkey flavor / stronger turkey taste	1	5
Good / better tasting	5	11
Has a roasted taste	-	5
Texture	19	36
Better texture	-	6
Juicier / moister	14	10
Drier	1	10
Natural	6	17
Taste natural / not processed / artificial	6	14
Appearance	2	5

Significantly higher at the 90% confidence level

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PREFERENCE RATINGS - CHUNKS

	Jonesboro Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(152)	(106)	(44)
	%	%	%
Overall			
Prefer Butterball	49	48	39
Prefer Jennie-O	38	40	52
No preference	13	12	9
Outside Appearance			
Prefer Butterball	56	59	44
Prefer Jennie-O	36	36	51
No preference	7	5	4
Outer Color			
Prefer Butterball	49	50	38
Darker	38	40	27
Lighter	9	9	9
Prefer Jennie-O	35	37	51
Darker	10	9	20
Lighter	25	28	31
No preference	16	12	11
Shape of Chunk			
Prefer Butterball	30	34	24
Prefer Jennie-O	27	29	47
No preference	43	37	29
Inside Color			
Prefer Butterball	41	40	36
Darker	15	17	13
Lighter	25	22	22
Prefer Jennie-O	35	39	47
Darker	11	10	22
Lighter	25	29	24
No preference	23	21	18

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PREFERENCE RATINGS - CHUNKS (Cont.)

	Jonesboro Butterball vs. Jennie-O		
	Total	Butterball Users	Heavy Category Users
Base: Total	(152)	(106)	(44)
	%	%	%
Appearance of Inside Meat			
Prefer Butterball	51	48	38
More visible grain	29	31	20
Less visible grain	21	17	18
Prefer Jennie-O	37	40	51
More visible grain	23	25	31
Less visible grain	14	15	20
No preference	12	12	11
Homemade Look			
Prefer Butterball	47	48	38
Prefer Jennie-O	40	40	51
No preference	13	12	11

Significantly higher within the same column at the 90% confidence level

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REASONS FOR OVERALL CHUNK APPEARANCE PREFERENCE

	Prefer Jonesboro Butterball	Prefer Jennie-O
Base: Total	(151)	(151)
	%	%
Product Preferred	49	38
Color	15	11
Better color	7	1
No spots / uniform color / consistent	4	5
Edge	13	4
Better edge / outside	6	2
Darker / browner	5	1
Texture	18	17
Juicier / moister	5	7
Natural	13	15
Looks natural / looks like real turkey	7	11

Significantly higher at the 90% confidence level

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PTO-002917

APPENDIX

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FREQUENCY OF EATING TURKEY BREAST

	Total
Base: Total	(472)
	%
3 Times A Week Or More (Heavy)	28
6 times a week or more often	3
3 - 5 times a week	25
2 Times A Week Or Less	72
2 times a week	29
Once a week	19
Once every 2 weeks or less	24

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BRAND USAGE

	Eaten Past 3 Months	Most Often
Base: Total	(472) %	(466) %
Butterball	70	28
Louis Rich	57	14
Healthy Choice	46	14
Sara Lee	26	9
Alpine Lace	24	5
Boar's Head	23	8
Mr. Turkey	20	3
Dietz & Watson	19	6
Jennie-O	18	2
Carolina	8	-
Bil Mar	7	-
Other	22	7

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PTO-002920

DEMOGRAPHICS

	Total
Base: Total	(472)
	%
Age	
Under 40	46
40 and over	54
Median Age	41 years
Average # of People in Household	3.4
Children	
With children	61
No children	39
Education	
No college	46
Some college or more	54
Income	
Under $40,000	40
$40,000 or more	58
Refused	2
Median Income	$46K

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LUHRS MARKETING RESEARCH CORPORATION
676 St. Clair – Suite 2100 · Chicago, IL 60611

#7329

August, 1998

1 – 4
5

OVEN ROASTED TURKEY BREAST STUDY
(Telephone Screener)

6 B

NAME _____ PHONE (___) ___-____

ADDRESS _____ CITY _____ STATE ____ ZIP _____

INT. _____ DATE _____ VER. BY _____ DATE _____

GROUP: AUG, ____, 1998 AT ____:____ ☐ A.M. ☐ P.M.

Hello, I'm _____ with Luhrs Marketing Research, an independent marketing research company. We are conducting a survey among consumers in this area and would like to ask you some questions. Are you the male or female head of your household? (IF NO, LOCATE MALE OR FEMALE HEAD OF HOUSEHOLD)

A. Are you between the ages of 21 – 59?

☐ Yes
☐ No (DISCONTINUE)

B. In the past three months, have you eaten any lunch meat that was sliced to order and purchased from a grocery store service deli?

☐ Yes
☐ No (DISCONTINUE)

C. Which, if any, of the following varieties of lunch meat that may be purchased from a grocery store service deli have you eaten in the past three months? (READ CHOICES)

	YES	NO
Oven Roasted Turkey Breast	1	☐
Honey Ham	2	☐
Italian Roast Beef	3	☐
Oven Roasted Chicken Breast	4	☐

7

(IF NO TO OVEN ROASTED TURKEY BREAST, DISCONTINUE)

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D. Which of the following brands of deli-sliced oven roasted turkey breast have you bought in the past three months? (READ CHOICES)

8

Alpine Lace.....1
Bil Mar.....2
Boar's Head.....3
Butterball.....4
Carolina.....5
Dietz & Watson.....6
Healthy Choice.....7
Jennie-O.....8
Louis Rich.....9
Mr. Turkey.....0
Sara Lee.....X

E. In the past 3 months, have you participated in any market research survey on food products?

☐ Yes (DISCONTINUE)
☐ No

F. Do you or does any member of your household work for an advertising agency, marketing research firm, or a company that makes food products?

☐ Yes (DISCONTINUE)
☐ No

G. The reason I have been asking these questions is we are conducting a survey to obtain consumer's opinions on deli sliced turkey breast. We think the survey will be interesting.

The survey will take about ½ hour. At the completion of the survey we will pay you $30 in appreciation for your time.

The group will be held on _____. It will be at _____. Would you be willing to help us?

☐ Yes (SCHEDULE GROUP TIME) ☐ No (DISCONTINUE)

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LUHRS MARKETING RESEARCH CORPORATION
676 St. Clair – Suite 2100 · Chicago, IL 60611

#7329-9

August, 1998

TURKEY BREAST PRODUCT TEST
(61-21, 21-31, NT, KN)

9 - 9

Thank you very much for participating in our taste test.

Please sign your name below and wait for the moderator to tell you when to begin.

RESPONDENT'S LAST NAME:_____

PRODUCTS TASTED:
61 - 21.....7 10

1ST PAIRING

Thank you for agreeing to participate in our test. We would like you to try two samples of deli-sliced turkey breast. We have identified the products by the code numbers **61** and **21**.

Please eat a good portion of each of the products so that you can give a complete evaluation.

Now, please eat some cracker and drink some water to cleanse your palate and taste product **61** first; then eat some cracker and drink some water and taste product **21**.

1a. Taking **everything** into consideration, which of the two products do you prefer?

Prefer Product **61** } (ANSWER Q.1b) .....☐ 11
Prefer Product **21** } .....☐
No preference (SKIP TO NEXT PAGE) .....☐

IF A PREFERENCE, ANSWER:

1b. What is there about that product that makes you prefer it over the other one? (PLEASE BE AS SPECIFIC AS POSSIBLE)

_____ 12
_____ 13
_____ 14
_____ 15

(PLEASE TURN PAGE)

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2. APPEARANCE:

Prefer Product 61 ☐ 16

Prefer Product 21 ☐

No preference ☐

3a. MEAT COLOR:

Prefer Product 61 ☐ 17

Prefer Product 21 ☐

No preference (SKIP TO Q.4a) ☐

IF YOU HAVE A PREFERENCE:

3b. Do you prefer the product you checked above because the meat color is:

Darker than the other one ☐ 18

or, Lighter? ☐

4a. EDGE COLOR:

Prefer Product 61 ☐ 19

Prefer Product 21 ☐

No preference (SKIP TO Q.5) ☐

IF YOU HAVE A PREFERENCE:

4b. Do you prefer the product you checked above because the edge color is:

Darker than the other one ☐ 20

or, Lighter? ☐

5. OVERALL FLAVOR:

Prefer Product 61 ☐ 21

Prefer Product 21 ☐

No preference ☐

(PLEASE TURN PAGE)

6a. **STRENGTH OF FLAVOR:**

Prefer Product 61 ☐ 22

Prefer Product 21 ☐

No preference (SKIP TO Q.7) ☐

IF YOU HAVE A PREFERENCE:

6b. Do you prefer the product checked above because the flavor is:

Stronger than the other one ☐ 23

or, Milder? ☐

7. **OVERALL TEXTURE:**

Prefer Product 61 ☐ 24

Prefer Product 21 ☐

No preference ☐

8a. **MOISTNESS:**

Prefer Product 61 ☐ 25

Prefer Product 21 ☐

No preference (SKIP TO BOTTOM OF PAGE) ☐

IF YOU HAVE A PREFERENCE:

8b. Do you prefer the product checked above because it is:

More moist than the other one ☐ 26

or, More dry? ☐

PLEASE LET INTERVIEWER KNOW THAT YOU HAVE FINISHED .

PRODUCTS TASTED:
21 - 31..... 2 27

2nd PAIRING

Now we would like you to try two different samples of deli-sliced turkey breast. We have identified these products by the code letters **21** and **31**.

Please eat a good portion of each of the products so that you can give them a complete evaluation.

Now, please eat some cracker and drink some water to cleanse your palate and taste product **21** first; then eat some cracker and drink some water and taste product **31**.

9a. Taking **everything** into consideration, which of the two products do you prefer?

Prefer Product **21** } (ANSWER Q.9b) .....☐ 28
Prefer Product **31** } .....☐

No preference (SKIP TO Q.10).....☐

IF A PREFERENCE, ANSWER:

9b. What is there about that product that makes you prefer it over the other one? (PLEASE BE AS SPECIFIC AS POSSIBLE)

_____ 29
_____ 30
_____ 31
_____ 32

10. **APPEARANCE:**

Prefer Product **21** .....☐ 33

Prefer Product **31** .....☐

No preference.....☐

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(PLEASE TURN PAGE)

11a. MEAT COLOR:

Prefer Product 21 ..... ☐ 34

Prefer Product 31 ..... ☐

No preference (SKIP TO Q.12a) ..... ☐

IF YOU HAVE A PREFERENCE:

11b. Do you prefer the product you checked above because the meat color is:

Darker than the other one..... ☐ 35

or, Lighter?..... ☐

12a. EDGE COLOR:

Prefer Product 21 ..... ☐ 36

Prefer Product 31 ..... ☐

No preference (SKIP TO Q.13) ..... ☐

IF YOU HAVE A PREFERENCE:

12b. Do you prefer the product you checked above because the edge color is:

Darker than the other one..... ☐ 37

or, Lighter?..... ☐

13. OVERALL FLAVOR:

Prefer Product 21 ..... ☐ 38

Prefer Product 31 ..... ☐

No preference..... ☐

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14a. STRENGTH OF FLAVOR:

Prefer Product 21 ☐ 39

Prefer Product 31 ☐

No preference (SKIP TO Q.15) ☐

IF YOU HAVE A PREFERENCE:

14b. Do you prefer the product checked above because the flavor is:

Stronger than the other one ☐ 40

or, Milder? ☐

15. OVERALL TEXTURE:

Prefer Product 21 ☐ 41

Prefer Product 31 ☐

No preference ☐

16a. MOISTNESS:

Prefer Product 21 ☐ 42

Prefer Product 31 ☐

No preference (SKIP TO BOTTOM OF PAGE) ☐

IF YOU HAVE A PREFERENCE:

16b. Do you prefer the product checked above because it is:

More moist than the other one ☐ 43

or, More dry? ☐

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PRODUCTS SHOWN:
NT.....7 44

1ST CHUNKS

Now, we'd like you just to look at two deli turkey breast products in their chunk form. We have identified them by the letters N and T.

17a. Taking **everything** into consideration, which of the two products do you prefer?

Prefer Product N } (ANSWER Q.17b).....☐ 45
Prefer Product T } .....☐
No preference (SKIP TO Q.18).....☐

IF A PREFERENCE, ANSWER:

17b. What is there about that product that makes you prefer it over the other one? (PLEASE BE AS SPECIFIC AS POSSIBLE)

_____ 46
_____ 47
_____ 48
_____ 49

18. **APPEARANCE OF OUTSIDE:**

Prefer Product N .....☐ 50
Prefer Product T .....☐
No preference.....☐

19a. **OUTER COLOR:**

Prefer Product N .....☐ 51
Prefer Product T .....☐
No preference (SKIP TO Q.20) .....☐

IF YOU HAVE A PREFERENCE:

19b. Do you prefer the product you checked above because the outer color is:

Darker than the other one.....☐ 52
or, Lighter?.....☐

(PLEASE TURN PAGE)

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20. **SHAPE:**

Prefer Product N ..... ☐ 53

Prefer Product T ..... ☐

No preference ..... ☐

21a. **INSIDE COLOR:**

Prefer Product N ..... ☐ 54

Prefer Product T ..... ☐

No preference (SKIP TO Q.22a) ..... ☐

IF YOU HAVE A PREFERENCE:

21b. Do you prefer the product you checked above because the inside color is:

Darker than the other one ..... ☐ 55

or, Lighter? ..... ☐

22a. **APPEARANCE OF INSIDE MEAT:**

Prefer Product N ..... ☐ 56

Prefer Product T ..... ☐

No preference (SKIP TO Q.23) ..... ☐

F YOU HAVE A PREFERENCE:

22b. Do you prefer the product you checked above because it has a:

More visible grain than the other one ..... ☐ 57

or, Less visible grain? ..... ☐

3. Which product do you think looks more like a homemade turkey breast?

Prefer Product N ..... ☐ 58

Prefer Product T ..... ☐

No preference ..... ☐

PLEASE LET INTERVIEWER KNOW THAT YOU HAVE FINISHED.

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PRODUCTS SHOWN:
KN.....3 59

2nd CHUNKS

Now, we'd like you to view two different deli turkey breast products in their chunk form. We have identified them by the letters K and N.

24a. Taking **everything** into consideration, which of the two products do you prefer?

Prefer Product K } (ANSWER Q.24b) .....☐ 60
Prefer Product N } .....☐
No preference (SKIP TO Q.25).....☐

IF A PREFERENCE, ANSWER:

24b. What is there about that product that makes you prefer it over the other one? (PLEASE BE AS SPECIFIC AS POSSIBLE)

_____ 61
_____ 62
_____ 63
_____ 64

25. **APPEARANCE OF OUTSIDE:**

Prefer Product K.....☐ 65
Prefer Product N .....☐
No preference.....☐

26a. **OUTER COLOR:**

Prefer Product K.....☐ 66
Prefer Product N .....☐
No preference (SKIP TO Q.27) .....☐

IF YOU HAVE A PREFERENCE:

26b. Do you prefer the product you checked above because the outer color is:

Darker than the other one.....☐ 67
or, Lighter?.....☐

(PLEASE TURN PAGE)

27. SHAPE:

Prefer Product K ☐ 68

Prefer Product N ☐

No preference ☐

28a. INSIDE COLOR:

Prefer Product K ☐ 69

Prefer Product N ☐

No preference (SKIP TO Q.29a) ☐

IF YOU HAVE A PREFERENCE:

28b. Do you prefer the product you checked above because the inside color is:

Darker than the other one ☐ 70

or, Lighter? ☐

29a. APPEARANCE OF INSIDE MEAT:

Prefer Product K ☐ 71

Prefer Product N ☐

No preference (SKIP TO Q.30) ☐

IF YOU HAVE A PREFERENCE:

29b. Do you prefer the product you checked above because it has a:

More visible grain than the other one ☐ 72

or, Less visible grain? ☐

30. Which product do you think looks more like a homemade turkey breast?

Prefer Product K ☐ 73

Prefer Product N ☐

No preference ☐

PLEASE LET INTERVIEWER KNOW THAT YOU HAVE FINISHED.

THE FOLLOWING QUESTIONS ARE FOR CLASSIFICATION PURPOSES ONLY:

31. About how often do you, yourself, eat turkey breast lunch meat that has been sliced to order and purchased from a grocery store service deli? (CHECK ONE BOX)

6 times a w ek or more often	☐	74
3 – 5 times a week	☐	
2 times a week	☐	
Once a week	☐	
Once every 2 – 3 weeks	☐	
Once a month or less often	☐	

32a. Which of the following brands of turkey breast lunch meats have you, yourself, eaten in the past three months? (CHECK BOXES UNDER Q.32a)

32b. Which one brand do you eat most often? (CHECK ONE BOX BELOW)

	Q.32a EATEN PAST 3 MONTHS		Q.32b MOSTOFTEN (CHECK ONE)	
Alpine Lace	☐	75	☐	77
Bil Mar	☐		☐	
Boar's Head	☐		☐	
Butterball	☐		☐	
Carolina	☐		☐	
Dietz & Watson	☐		☐	
Healthy Choice	☐		☐	
Jennie-O	☐		☐	
Louis Rich	☐		☐	
Mr. Turkey	☐		☐	
Sara Lee	☐		☐	
Other Brand Not Listed	☐		☐	
Don't Know Brand Name	☐	76	☐	78

33. How many people live in your household, including yourself? (CIRCLE ONE)

1 2 3 4 5 6 or more 79

34. Are there any children under 18 currently living at home?

Yes—>age under 6	☐	80
age 6 – 12	☐	
age 13 – 17	☐	
No children under 18	☐	

CRPF03584

PTO-002934

35. Which of these groups includes your age?

21 - 24 ☐ 81
25 - 29 ☐
30 - 39 ☐
40 - 49 ☐
50 - 59 ☐

36. What is the highest level of formal education you completed?

Some high school or less ☐ 82
High school graduate ☐
Trade/Technical/Secretarial ☐
Some college ☐
College degree ☐
Advanced degree ☐

37. Which of the following best describes the total yearly income of your household before taxes?

Under $15,000 ☐ 83
$15,000 but less than $20,000 ☐
$20,000 but less than $30,000 ☐
$30,000 but less than $40,000 ☐
$40,000 but less than $50,000 ☐
$50,000 but less than $75,000 ☐
$75,000 or more ☐

THANK YOU VERY MUCH FOR YOUR OPINIONS!
PLEASE LET THE MODERATOR KNOW YOU HAVE FINISHED.

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Armour Swift-Eckrich, Inc.
Maureen P. Heakin
(630) 512-1467
FAX: 512-1120
eis: mph

DATE: September 22, 1998

TO: Deb Billow
Sue Burns
Stan Gershenson

cc: Dennis O'Neill

SUBJ: BUTTERBALL OVEN ROASTED DELI BREAST PRODUCT TEST VS. COMPETITION - FINAL REPORT

Products tested:

- Butterball Longmont production*
- Boar's Head Ovengold Roast
- Sara Lee Oven Roasted
- Jennie-O Tender Browned
- Dietz & Watson Gourmet Oven Roasted

*[*Butterball Jonesboro-produced product was also tested in one cell, against Jennie-O, as a benchmark]*

VISUAL CHUNK PREFERENCE

Final results indicate that the color and shape changes made to the Butterball Oven Roasted deli breast significantly enhanced the acceptance of the product vs. two out of the four competitors tested, based on viewing the cut-face chunk.

Butterball chunk is visually preferred over Sara Lee & Dietz & Watson:

- overall
- outside appearance
- outer color
  - darker than Sara Lee
  - lighter than Dietz & Watson
- shape of chunk
- inside color

The shape preference for Butterball is less dramatic than the color preference, but significant, nonetheless.

On the other hand, Boar's Head is preferred over Butterball on all key chunk appearance dimensions, including all of the above attributes, as well as "looks more homemade".

On a chunk basis, neither Butterball nor Jennie-O is significantly preferred.

SLICE TASTE PREFERENCE

Butterball is at parity with Dietz & Watson; however, all three of the other competitors are preferred to Butterball on most key product dimensions.

Boar's Head, Sara Lee and Jennie-O are preferred over Butterball:

- overall
- flavor
- texture

The directional attributes indicate that the competition is preferred for having a stronger flavor, and open ended reasons for preference indicate a more natural flavor is perceived for the competition.

JONESBORO PRODUCTION COMPARISON

All of the above information is based on the Butterball Longmont product. One cell of data is available for Butterball Jonesboro product vs. Jennie-O. Interestingly, the Jonesboro produced turkey breast fares better than Longmont in some respects vs. Jennie-O. Jennie-O loses its parity position when viewed as a chunk compared to Butterball Jonesboro. Butterball Jonesboro is preferred over Jennie-O on:

- Overall chunk
- Outside appearance
- Outer color (darker)
- Inside meat (grain)

In addition, whereas Jennie-O edge color is preferred vs. Butterball Longmont, the Jonesboro-produced product is at parity with Jennie-O on this attribute.

This would indicate that if actual production comes out of Jonesboro, there would certainly be no reason to believe that the product would be less acceptable than that which is produced in Longmont.

IMPLICATIONS

1. The maillose-browned outer color, and more natural conformation significantly increase consumer acceptance (vs. the relative position of Butterball in the Fall, 1997 test)
2. A more natural flavor profile would enhance the Butterball eating quality

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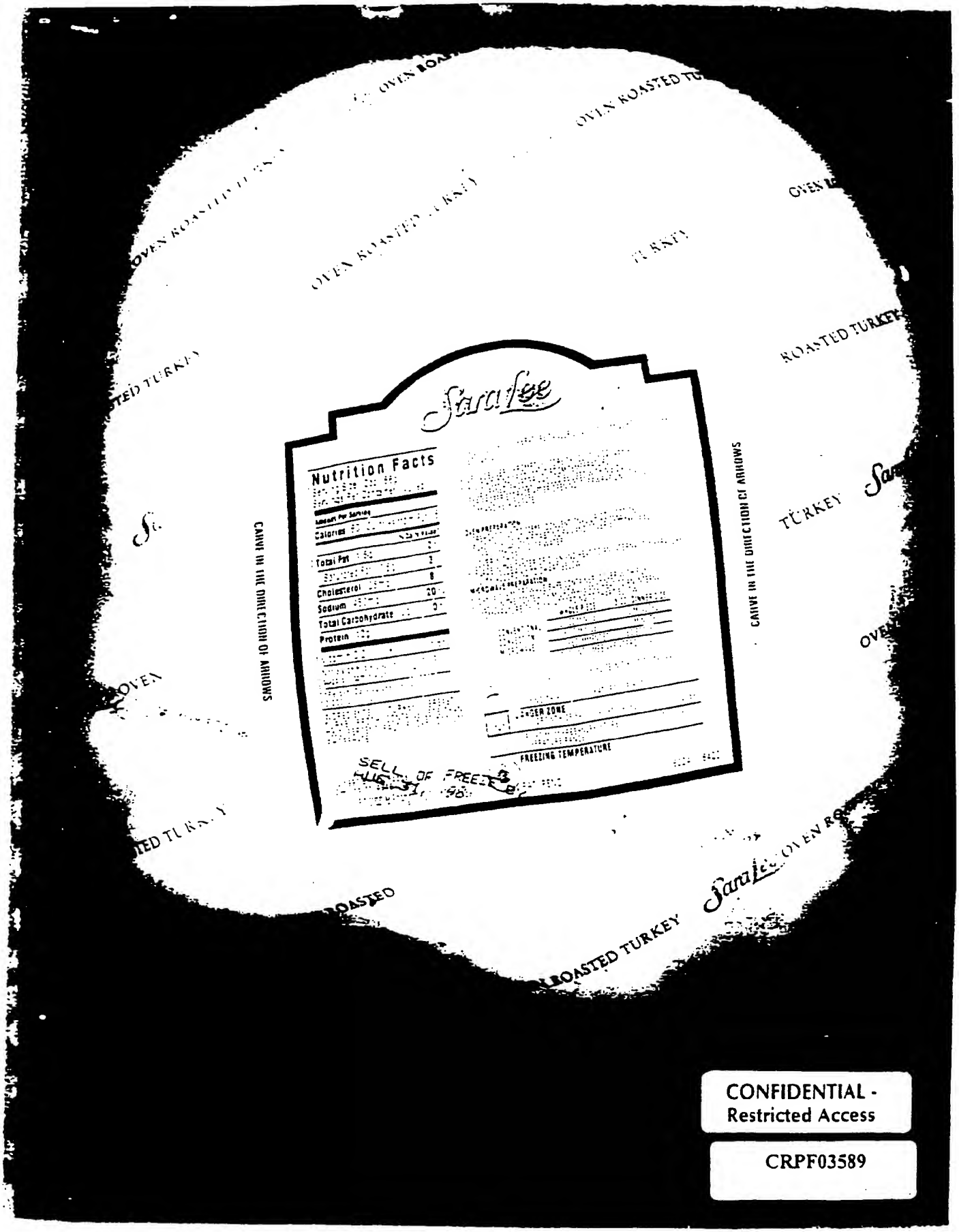

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IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) UNITHERM FOOD SYSTEMS, INC., an Illinois corporation; and (2) JENNIE-O FOODS, INC., a Minnesota corporation,	)	
Plaintiffs,	)	
-vs-	)	No. CIV-01-347-C
(1) SWIFT-ECKRICH, INC., d/b/a ARMOUR SWIFT-ECKRICH, a Delaware corporation,	)	
Defendant.	)	

CONTINUATION OF THE DEPOSITION OF SUSAN BURNS

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON DECEMBER 10, 2002

COPY

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I N D E X

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For Plaintiff:

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For Identification 34:12

12 Deli-Scan ranking of sales areas by market volume 1994
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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the deposition of Susan Burns may be taken on behalf of the Plaintiff on December 10, 2002, in Oklahoma City, Oklahoma by Lori A. Johnston, Certified Shorthand Reporter within and for the State of Oklahoma, pursuant to agreement and order of the Court.

It is further stipulated and agreed by and between the parties hereto, through their respective attorneys, that all objections, except as to the form of the question and the responsiveness of the answer, are reserved until the time of trial, at which time they may be made with the same force and effect as if made at the time of the taking of this deposition.

* * * * * * * *

SUSAN BURNS

of lawful age, having been first duly sworn, deposes and says in reply to the questions propounded as follows:

DIRECT EXAMINATION

BY MR. CASTRO:

Q Ms. Burns, you are aware this is a continuation of your noticed deposition that took place back in February?

A Yes.

Q And just for the record, can you identify either -- these were identified in Etzkorn's exhibit -- or Tim Etzkorn's deposition as Exhibits 10 and 11. Can you -- do you -- have you ever seen those documents before?

A No, I have not.

Q In your last deposition, Ms. Burns, you talked about this -- and I'm not going to make it -- since it's already part of the record and it's your deposition before. You identified a binder that you deliver to salespeople as this Defendant's Exhibit 9. Do you recall?

A Yes.

Q Do you have that document in a nice, original state?

A Yes, I do.

MR. CASTRO: Okay. And Bob, that's the one that I asked you for, if we could get a copy of that.

MR. TOMLINSON: You've got a copy of it.

MR. CASTRO: No. I want one of the original -- you know what I want. I want one of the original, binded color versions if you could --

THE WITNESS: That should not be a problem.

MR. TOMLINSON: I object to the responsiveness of the answer.

MR. CASTRO: Can you give me a color copy of that?

MR. TOMLINSON: Can we make it a problem?

MR. CASTRO: Can you highlight that?

MR. TOMLINSON: Do you have one of those?

THE WITNESS: Yes.

MR. TOMLINSON: Why don't you pull that out and I'll see if that's what he wants. I told her not to say it wouldn't be a problem.

MR. CASTRO: You know, some witnesses just like to tell the truth, Bob.

THE WITNESS: (Indicating).

MR. CASTRO: Yeah. That looks nice.

THE WITNESS: It is my only copy.

MR. CASTRO: All right.

THE WITNESS: It's simply a color version of this document. (Indicating).

MR. CASTRO: I understand. And we will be happy to pay the reproduction costs.

MR. TOMLINSON: Do you have any of these notebooks

left?

THE WITNESS: I don't -- you know, I -- it's really not a problem in that, I mean, this is just a sheet of paper. (Indicating).

MR. TOMLINSON: So you could assemble him one of these and wrap it up in a nice bow and that could be his Christmas present?

THE WITNESS: Yes, I could. And it's even black and white in some of this --

MR. CASTRO: I promise not to summons you again.

MR. TOMLINSON: You need to realize that most of this is exactly what you've got.

MR. CASTRO: I understand.

MR. TOMLINSON: Show him that most of it is just black and white.

THE WITNESS: Right.

MR. TOMLINSON: There's only a few pages that have color.

MR. CASTRO: Right. But I want it just like the salespeople have it.

THE WITNESS: Understood. And I think we just didn't do color in our mass printing. I think only a part of it was in color, but then other parts were just all in black and white.

Q (By Mr. Castro) What we're referring to now is a

notebook that you had brought with you today --

A Correct.

Q -- at the request of counsel?

MR. TOMLINSON: No, no.

Q (By Mr. Castro) Oh, you just brought --

A No. I brought it.

MR. CASTRO: I thought she brought it because you had asked her --

MR. TOMLINSON: She brought it because she's a helpful witness.

THE WITNESS: I brought it to help my memory from five years ago.

MR. TOMLINSON: Now, we are all three talking then.

MR. CASTRO: We were.

MR. TOMLINSON: I don't know what she put down.

MR. CASTRO: Let me try to make it as clear...

Q (By Mr. Castro) This is a notebook that you brought. And what I would like to have done is have that just simply reproduced as it is with the notebook. It's got some laminated pages in it, doesn't it?

A Yes. Just one. The rest is all paper. Several of the documents are in color, several of the pages. The rest is black and white.

MR. TOMLINSON: Would it be easier for us to just

copy this in color or would it be easier for you to prepare him a notebook like this? If you can prepare him one, that would be fine.

THE WITNESS: That's fine. I can have my secretary at work do that and have her send it back. Basically say duplicate this.

MR. CASTRO: May I look at that real quick? Off the record.

(Discussion held off the record)

THE WITNESS: I do have to point out there was a CD-ROM in the back, which is, you know, a computerized version of the presentation that we give to our sales force. I took it out because I didn't want to carry it. I was just lightening my load.

MR. TOMLINSON: What does the CD-ROM --

THE WITNESS: It's a CD-ROM and it has the presentation that's in here on a disk, essentially, that we give to our sales force so that they can have it all computerized.

MR. TOMLINSON: So when you had the meeting, you had audio-visual as well, or that was just for their benefit?

THE WITNESS: It was just for their benefit just to take away with them. We do that. We typically give them a standard disk when we do a sales presentation. They

can customize it, if they would like, for their customer. They can put their customer name on it or whatever. This is a starting point for them. It's essentially just an exact copy of the presentation that's in here. It's just on a disk.

Q (By Mr. Castro) Is there any other information on that CD-ROM other than what's contained in that booklet there?

A No.

Q Or what's contained in this Exhibit 9?

A No.

MR. TOMLINSON: If you don't want to run the risk of her secretary not compiling this precisely, what we can do is take this and color copy the pages that have color and prepare tabs like that, or we can send it back with her and ask her secretary to prepare it for you. There's no guaranty that it will be identical, just because of putting it together again. Which do you prefer?

MR. CASTRO: Yeah. Either way. It doesn't matter, Bob. If you want to take it.

MR. TOMLINSON: I think what I would like to do is just take this and prepare a duplicate here for us and you and send the original back.

MR. CASTRO: That would be great.

Q (By Mr. Castro) This is how it goes to the

salespeople? Do they have this binder or did you make the binder up yourself?

MR. TOMLINSON: No. We'll put it in a binder.

THE WITNESS: It was in a binder for the sales folks.

MR. TOMLINSON: We'll put a color version of this insert and we'll put the spine of the binder that has the label.

Q (By Mr. Castro) Okay. That way I can ask you, this would be -- if he duplicates this as it is here, it would be fair to say that this is the type of booklet that all the salespeople got?

A That's correct.

Q Or all the salespeople received?

MR. TOMLINSON: Unless there's something in hers that they didn't get.

Q (By Mr. Castro) Are you aware of anything in this booklet --

A No.

Q -- that they would not have received?

A No. This is a replicate of that book.

Q Okay. Thank you.

MR. TOMLINSON: Will you keep the original of that for trial so you can bring it?

THE WITNESS: Definitely.

MR. TOMLINSON: Just because he can have real color, because he really likes that color stuff.

Q (By Mr. Castro) I'm going to do my best, Ms. Burns -- and I know that Bob will hold me to that as best he can -- to not duplicate --

MR. TOMLINSON: His best may be woefully inadequate.

MR. CASTRO: Yeah. It's amazing.

Q (By Mr. Castro) To not duplicate any answer or questions I asked of you before, but some of those I may need to ask just to make the record clear here and so that you can understand my questions.

I believe you earlier testified in February that there were three different products which were launched which were produced with this '027 process?

A Correct.

Q And those would have been the Butterball Golden Oven Roasted; correct?

A Correct.

Q And the Healthy Choice and the Eckrich product?

A Correct.

Q And I think it's clear, from what Mr. Etzkorn now testified to, that the Eckrich product has been discontinued; is that --

A That's correct.

Q Do you know --

MR. TOMLINSON: Let me clarify one thing. This witness is, as you established last time and as the Court concurred, does not have the knowledge to testify regarding the food service side of the business, except just to guess, to speculate.

MR. CASTRO: Okay.

MR. TOMLINSON: The witness being provided on Friday morning --

MR. CASTRO: Right. 9:30?

MR. TOMLINSON: 9:00. 9:00 or 9:30?

MR. CASTRO: Let's do 9:30 because I'm getting back from Boston late.

MR. TOMLINSON: Okay. The witness being produced at 9:30 on Friday morning will be someone who can speak to the food service marketing side. And his name is Jim Mac?

THE WITNESS: McConnell.

MR. CASTRO: Okay.

MR. TOMLINSON: So for the record, she is not offered for food service.

Q (By Mr. Castro) Jim McConnell, what's his title, Ms. Burns, if he has one?

MR. TOMLINSON: We'll tell you Friday morning. I don't know.

Q (By Mr. Castro) Do you know?

A No.
Q Do you know Jim McConnell?
A Yes. Jim has been with the company for many years.
Q Okay.
A I don't know his exact title.
Q Do you work for Jim or does he work for you?
A No. We are in separate --
MR. TOMLINSON: Object to the form of the question.
THE WITNESS: We are in separate parts of the business. He works on the food service side of the business and I work on the deli.
MR. TOMLINSON: You know, next time I'm not going to tell you who the witness is if it's going to cause you to ask all these questions.
MR. CASTRO: It's two questions. And now we've taken as much time with your comments as my questions and answers.
MR. TOMLINSON: Let the record reflect he's smiling.
Q (By Mr. Castro) I am sorry. You were interrupted by your lawyer.
A We happen to work on the same floor so I do know him, but typically, our businesses are not managed

together.

MR. TOMLINSON: Aren't you going to ask her what floor they work on?

Q (By Mr. Castro) What products did the Butterball Golden Oven Roasted replace?

MR. TOMLINSON: Object to the form of the question.

THE WITNESS: There was one SKU. The SKU number did not change, so it was basically a product improvement. The product changed over and it replaced -- it replaced one product.

Q (By Mr. Castro) What product was that?

A It was an oven roasted product, Butterball oven roasted product. It was a white product.

Q Where was that white product produced?

A Jonesboro, Arkansas.

Q That white product, was it produced anywhere else other than at Jonesboro?

A The Butterball white?

Q Well, that's correct.

A Under the Butterball name, and I believe Tim testified to this as well, there were some products produced out of Longmont, Colorado; however, that particular item, that one SKU 27312, was only produced in Jonesboro.

Q Can we interchange SKU with UPC?
A Yeah. Oh, yes.
Q Okay. So whenever you say that, you -- I can -- whenever you say it, you mean UPC as well?
A Yes.
Q And if I ask you UPC instead of SKU --
A Yes.
Q -- the same holds true?
MR. TOMLINSON: Slow down.
Q (By Mr. Castro) What about the Healthy Choice? What product did that replace, if any?
A One product. Again, it was a singular product, one white product. And it was replaced by a brown product. The SKU or UPC did not change.
Q Still called a Healthy Choice product, but it was a white product?
A Right. Let me just clarify on the names.
Q Sure.
A Before it was Maillose browned, the product was called Healthy Choice Oven Roasted Turkey Breast, Butterball Oven Roasted Turkey Breast, or Eckrich Oven Roasted Turkey Breast. When we introduced the Maillose process, we simply added "golden" to the front of that. Sometimes it -- it's a little unclear in some of the documentation. Sometimes people talk about golden brown in

the same equivalent terms when they really mean golden oven roasted.

So we'll -- we can -- so I noticed, for example, that there is a report, it might say brown turkey breast and they really mean probably the Maillose. It's just a -- an issue of the wording. Some people shortened it and didn't want to say golden oven roasted. They said golden brown.

Q Do you know why the name was changed to golden?

A We wanted to highlight the fact that there was a product improvement. And we felt, from a marketing standpoint, that was more appealing to the consumer.

Q What was the product improvement to the Butterball Golden Oven Roasted?

A The product improvement was two faceted. There was a shape change. The shape was changed from a helmet, more of a round-like shape. It became a little bit lower profile, a little bit flatter. And then there was a color change as well from white to brown, so it was a two faceted -- it was an appearance-driven change.

Q The same would hold true for the Healthy Choice?

A That's true.

Q I asked you last time why the Moskowitz study was undertaken, and you didn't know at the time. Do you know now?

A Yes, I do.

Q Okay. Why was it undertaken?

A I spoke with -- because I had just started at the company -- I'll just explain why I didn't know exactly the history there. I spoke with my manager at the time. And it was basically what I had thought was the reason, which was simply that when you look at your business and you look at what products make up a good part of your business, you know, when you're doing good marketing, the idea is that you should understand what consumers are looking for in a product.

The turkey segment was growing. It's a big part of the deli business. So, therefore, a study was undertaken to talk to consumers and find out what drives liking in turkey breast in order to establish what kind of improvements, if any, we could make to the product, to our products, whether that be an Eckrich product, a Healthy Choice product, or a Butterball product.

So there wasn't a specific, you know, it was -- going into the study, we did not necessarily know that we were going to change the color or change the shape. The purpose of the study was to talk to consumers and understand what was driving liking in turkey breast.

Q When you say "driving liking," tell me what you mean by that. Is that a marketing term?

A It just means ask consumers what it is about one turkey breast compared to the other that -- what might make them like one over the other.

Q Do you know at what time the company determined that they needed to change the shape of the turkey product?

A Based on the results of the Moskowitz study, that was one of the things that came out, that said a more natural-looking shape was more appealing to consumers. So at that time, we also looked at changing the shape of the product. So it was subsequent to the Moskowitz study. It was based on the findings of the study.

Q And the same would hold true concerning the color of the product?

A Correct.

Q Was there more than one color that the study determined would be more favorable to the consumer?

A What came out of the study was not necessarily a specific color, for example, if you had, you know, Color Chart A versus B. What came out of the study was that just a more brownish in color, darker in color was deemed to be more appealing to consumers. And some potential targets were established just because, in the study, there were some products that were white and some that were brown and there were different versions of brown in the study. So we had an idea of a range of color that might be appropriate.

Q What department came up with the decision -- or excuse me. What department made the decision as to the color of the product that you were going to produce?

A There was a group of people, a project team. I believe I talked about this in the last deposition. But basically, there was a group of people that were a cross-disciplined group. It would include myself as the marketing person on the project. It included research and development, a gentleman named Stan Gershenson, who was involved at the time.

There would be a business type person. In our company, we actually have -- marketing plays more of a support function. In our marketing group, we don't necessarily own the numbers. For example, I don't have P&L accountability.

We have a business group. And I think when you meet with Jim McConnell on Friday, he played more of a business role where they're involved more with the numbers. But we had a business person, a gentleman -- I think it was Kevin Keenan at the time that was on the project. So again, there was a cross-disciplined group of people involved. We would meet together regularly.

And one of the times we got together was when the results of the study came out. We got together and talked about how we can improve our products. And it was at that

time, there was a series of meetings. And it was at that -- during the course of those meetings when we would determine what color we ultimately got to.

Q What color was that, that you got to?

A We got to a golden brown color.

Q Were Prem Singh -- was Prem Singh on the project team?

A Yes, he was.

Q Was Chris Salm on the project team?

A He was Prem's supervisor or manager, so I don't recall that Chris attended any specific meetings.

Q At that time, was there any other product that Armour Swift-Eckrich produced that was golden brown?

A Yes. Yes. In fact, one of our reference targets was a Longmont product. And that was part of the Moskowitz Jacobs study. And that was one that we deemed to be a quote-unquote target. So that was one that when we would have product cuttings and we would look at the different varying levels of color, that was one of the products that we put out there, because it did well on the test. It did well on the Moskowitz test, so it was a target for us. It was one of the targets.

Q When you did these cuttings and tried to determine color, you did it -- your determination of color was based upon your visual inspection; is that fair to say?

A That's correct.
Q That Longmont product, is that oil-browned product?
A Yes, it is.
Q Any other oil-browned product that you used as a target color for the new product launch?
A One of the products that was also, I believe, in the study, and one that we looked at was our own -- we called it a browned. I think it's called - it might even be called golden brown, that we made for Jewel. It's an oil-browned product. It was under the Butterball name. It's a little bit darker in color than the Longmont product, but that would be another -- a product that we would also include in our cutting.
Q Did the company at that time have a Butterball caramel product?
A Yes.
Q What was the name of that product?
A The actual label, I could probably refer -- I'm thinking that in this binder, there might even be a picture of the label of that one. (Indicating). I think it was just called Butterball Browned Turkey Breast.
Q Was that product eliminated through this product launch?
A Yes. It was targeted to be discontinued. Yes.

Q Was that a different SKU or UPC number than the earlier product you've mentioned?

A Yes.

Q All right. Any other products that were going to be -- or excuse me -- that were eliminated due to this new product launch?

A Yes. And there's a list in the sales binder that we talked about earlier. (Indicating).

Q This binder that you brought with you today?

A Correct.

Q And it references which products are going to be eliminated?

A Correct.

Q Can you recall --

MR. TOMLINSON: Exhibit 9 to the deposition.

MR. CASTRO: That's right.

Q (By Mr. Castro) Can you recall, as you sit here now, what those products were, to the best of your recollection?

A May I --

Q Do you want to look at that?

A Yeah. That would be great.

Q As you're looking, were those products -- was it considered product improvements?

A Those products were eliminated. We were taking

the opportunity to eliminate them, as many of them were small volume items.

Q Okay.

A And it was really a little bit of a housecleaning. It wasn't necessarily, you know, for any other reason than that.

Q Well, for my purpose, and I may have missed it before, you had indicated that the launch of the Butterball Golden Oven Roasted was, at least for one of your products, a product improvement; right?

A That's correct.

Q All right. So as to that new Butterball Golden Oven Roasted, could you tell me if there are any other products that this new Golden Oven Roasted were considered a product improvement?

A Those are the three, the three SKUs that we talked about. Butterball, Healthy Choice and Eckrich are the three that it was considered to be a product improvement.

Q And then there's other products that --

A I believe that they're -- right. Correct.

Q I see.

A I believe, though, that -- maybe Tim has testified to this before, I'm not sure. For some customers -- for example, 27312, there's a Butterball Golden Oven Roasted product. There may be a customer that wants a certain type

of label in the box as opposed to a printed bag. The product normally comes in a printed bag. So we might have a separate SKU or UPC. It's still the same product but for that customer, it has its own special number because they put labels in. It's just a process issue.

Q Okay.

A So I think for 27 -- for 27312, there might be one or two other SKUs that are the exact same product. They just happen to have a different SKU number because they're put in the box in a different way than the typical 27312.

Q Okay. Were you able to find --

A Yes, I am. On page -- oh, I'll just read the -- it's -- it's in the Q and A section of this exhibit. Q and A is just the question and answer section. It's in response to -- there's no page number. Oh, here it is. CRPF 07550.

Q All right.

A Actually, what -- this list of items are things that all had a shape change, didn't necessarily -- didn't have a color change, but the shape was also lowered because the equipment now could make things in a -- would make things in a different shape. So that did not -- that was not the discontinued list. This was, again, a list of items that the shape changed, so there's a dozen or so here.

Q Okay.

A As far as the discontinuing items, you know, perhaps it was only that one, caramel, but let me keep looking, that was actually discontinued. Other SKUs were impacted, but simply by shape alone.

Q So to your knowledge, the only other product that was discontinued was that Butterball caramel?

A That's --

Q And we can't remember the specific name?

A That's correct. Yes. Butterball caramel.

MR. TOMLINSON: Here you go. (Indicating).

THE WITNESS: Thank you.

MR. TOMLINSON: That would indicate.

THE WITNESS: So it's toward -- discontinued. Yes. Just the one SKU.

Q (By Mr. Castro) Okay. What is the name of that product. He's --

A Yes.

Q Let me see if we can get to it in the Exhibit 9.

MR. TOMLINSON: Here. (Indicating).

THE WITNESS: Thank you. We described it as the Butterball caramel product. I don't think on the label itself, though, it says Butterball caramel. That doesn't mean anything to a consumer. I believe it said Butterball, you know, browned turkey breast, something like that. But

it's UPC 45300-27479. That was the only product that was discontinued.

Q (By Mr. Castro) You said 45300?

A 27479.

Q Okay.

A It's after this page with the labels. Should be in the exact same order.

Q Ms. Burns, have you done a comparison of market share between the products that were replaced or eliminated and the new products?

A No. No. We have not.

MR. TOMLINSON: That page number in Exhibit 9 -- you need a secretary for these depositions. CRPF --

MR. CASTRO: I have you. Go ahead.

MR. TOMLINSON: CRPF 07602 is the page that she was referring to in the original from Exhibit 9 to her February 14th, 2002 deposition. Is that right? February?

MR. CASTRO: Uh-huh. Okay. Great. Thank you.

Q (By Mr. Castro) Is there a reason why --

A Yes. I can explain why. That information was not available. In the deli category, it is a random weight category, and the data is not captured in that way. A good -- a good comparison would be, in typical consumer packaged goods, there are tracking systems like IRI and Nielsen that track consumer pull, that track purchases out of retail.

And in the deli industry, that data is not -- historically has not been captured at that level.

So we -- we -- we didn't have any -- we still don't. We don't have any data that tells us what the market share is of -- for a particular brand at that time period.

Q Do you know how much new distribution you gained by the new product launch?

A No, I don't.

Q Is there anyone that you know of within the company that would know that information?

A I'm not sure that it was actually tracked. Again, because this was a product replacement, there was not -- there was a concerted effort behind educating the sales force on the new product change, but there was not a distribution plan set out in order to capture new distribution, so that's not something that was set as a goal or a hurdle and was not tracked against.

The -- so as far as, again, distribution goes, as far as it's measured and having that actual data out there, that data is not necessarily there. Shipment data would be the only way that we could perhaps measure if our sales went up.

Q For what purpose do you use the Deli-Scan data?

A At the time when I started in the deli group, it

was -- Deli-Scan is an information service that we would use to help us to provide -- again, because there's no data available -- to help us provide general market information, to help us understand the size of the deli market, the size of different proteins within the deli market and to see perhaps if there's growth within the overall deli market, but it does not give us competitive information. It was a general market type of service.

Q Do you still utilize that service?

A No, we don't.

Q When did you cease using that service?

A Approximately -- gosh. Approximately two years ago or so.

Q Why?

A Frankly, the service -- marketing liked to use the service, but frankly, I'm not sure it was totally bought into by the other folks in the organization, the business folks or the sales folks. I'm not sure they believed the information.

Q Up until 2000, when you ceased using the service, you relied upon that service to provide you Deli-Scan information; fair to say?

A Correct.

Q Does that Deli-Scan service and the information provided, does that assist you in measuring the size of the

market for the turkey product?

MR. TOMLINSON: I object to the form of the question.

THE WITNESS: In -- not particularly. In very broad strokes. It would give us a rough number for the turkey market in general.

Q (By Mr. Castro) Did you utilize the data scan -- Deli-Scan -- information to put together that Exhibit No. 9?

A Yes.

Q So you relied upon the information at that point in time?

MR. TOMLINSON: Object to the form of the question.

Q (By Mr. Castro) Go ahead.

A Yes. It's a sales selling story type document. To the extent that we had some information, we did -- we did believe that the market for total poultry was growing faster relative to some of the other proteins, i.e., perhaps ham or baloney or something like that.

Q So when you -- and you mentioned it earlier too, proteins. What do you mean by proteins?

A What I mean by -- when you look at the total deli category, there are different types of meat within the deli category. And poultry would have included chicken and

turkey. Ham, you know, ham is ham. Beef would be another area, another protein. And then what they call lunch meat or loaves, you know, the more -- even more processed type protein.

And all of that would be called, all of that added up together is the deli category. So Deli-Scan gave us very general direction in the field for if the deli category in general was growing or not, and then within that, are there proteins, i.e., ham or beef or turkey or poultry, that might be growing.

Q Okay.

A Or were they flat. So it was used for general terms, in general terms.

Q Did the Deli-Scan information that was in your Exhibit No. 9, did that include the deli market?

A It's only the -- yes. It is the deli market.

Q Did it include the food service market?

A No. It doesn't.

Q What information, if any, did you use to determine the market for the food service industry?

MR. TOMLINSON: Object to the form of the question.

THE WITNESS: We -- we didn't. I mean, that's not in my area of expertise.

Q (By Mr. Castro) Okay. So if I want to ask

somebody about that, it would be the fellow that's going to show up on Friday?

A Correct.

Q Jim McConnell.

Do you know what information that he uses to analyze the market for the food service industry?

MR. TOMLINSON: Object to the form of the question.

THE WITNESS: No, I don't.

Q (By Mr. Castro) Okay. I'm going to ask her to mark as Burns No. 11 -- I believe that's where we left off last time. I'm going to ask you to see if you can identify that. Let me take a short break as you read through that information.

MR. TOMLINSON: Let me see the Bates numbers off of that document?

THE WITNESS: Sure. CRPF 07496 through 07512.

MR. CASTRO: Short break, Bob?

MR. TOMLINSON: Sure.

(Short Break)

MR. TOMLINSON: You called me the other day about an October 16th letter that said, "Enclosed please find documents numbered CRPF 07874 through 7945," and that you had not received the first 20 pages of that fax, 7875 through 7895. And I have had those faxed, supposed to have

been yesterday, but I got them today. Here's the first 20 pages.

I'm having a couple more copies brought in, as soon as they're printed off, of that group of documents. Then the last page of that was a document that didn't have a Bates number, but it said documents Numbers 7946 through 7999 have been intentionally omitted. And I have not spoken to the folks at Christie, Parker & Hale about that, but I am assuming that those were privileged documents, is the reason that they were omitted, but I don't know that.

But I will find out what the reason for that omission is. Is that the same as what yours says?

MR. CASTRO: No. Mine says 07761 through 07999.

MR. TOMLINSON: 7 what?

MR. CASTRO: There's a copy. Have been intentionally omitted.

MR. TOMLINSON: 7761 through 7999. Okay. Have you got another one that says something else?

MR. CASTRO: No. That's the copy. It was within that information that was produced on the 16th of October. It looks like part of that is just --

MR. TOMLINSON: Wait a minute. 7761 through 7999 would encompass the documents that we're producing, so that must have been something earlier.

MR. CASTRO: Well, let's --

MR. TOMLINSON: The one I've got -- the one that you should have received as the last page should have said 7946 through 7999 have been intentionally omitted. You've got a 7945. You got this document here. So anyway, I've got those 20 pages and they are here. I'll have two more copies. I apologize for them not being produced on October 16th.

MR. CASTRO: I'll look at that in a moment. We'll finish up here and then maybe I'll take some time to review that.

Q (By Mr. Castro) Can you identify that, Ms. Burns, that Exhibit 11?

A This appears to be a report that comes from an organization called FreshLook. And it outlines, it shows -- it shows, for a 13-week time period, what the brand shares are in the poultry category on a total US basis.

Q Now, is that related to the next document, which is 7497, or should they be separate exhibits?

A This probably should be separate exhibits.

Q All right. Let me go ahead and mark the next group, which is 7497 through 7512, as Exhibit 12 to your deposition. Now, Exhibit 11, is that a document that you've seen before today?

A No, it's not. But it's a document that I can understand and comment on, because I'm familiar with this

type of document.

Q Do you know which area or which department within Armour Swift-Eckrich asks for this type of information?

A Yes. This would come through the marketing department. As I had mentioned earlier, Deli-Scan was a service that we had used, you know, for a couple of years, I believe, but it wasn't always very actionable or we just didn't feel comfortable that it was necessarily good information to be using.

And again, as I spoke to, our category and the fact that it's random weight versus exact weight data, the data historically has not been captured to understand market share. However, in about the last year to year and a half, we started to use -- started to look toward a different service provider. It's called FreshLook.

And they are another service provider of information. And over time, there's just been a better capturing of information. And, frankly, the supermarket information is getting better at capturing deli sales out of the deli. So there's more information now than there was a few years ago in understanding what brand shares are.

Q For what purpose do you request information from FreshLook?

A We recently, in the last year to year and a half, just started to use FreshLook just so that we could even

try to get an understanding of what market share we did have, what the competitive set looks like, because again, this was new information for us as an organization to have competitive information and to have category information. It was new to us.

So from a general learning standpoint, we started to work with these folks, FreshLook.

Q Does Armour Swift-Eckrich utilize FreshLook -- is that what it's called?

A Yes.

Q To determine what its market share is?

A Yes.

MR. TOMLINSON: Object to the form of the question.

Q (By Mr. Castro) Is there any other information from FreshLook that you obtain in order to determine what market share that you have in the poultry industry?

A Again, this is new information and a new data source that we're getting a handle on and learning from and understanding if we can, you know, rely on or use this information.

Q Do you rely upon --

A So it's a --

Q -- that information?

A For general learning purposes, so that we can

understand our business. I can't quote to you a specific project that we relied upon the data in terms of launching a line or a business. It's, again, educating ourselves about what the marketplace looks like out there, because again, this is all new information for us in the last --

Q So you use that in -- I'm sorry. Go ahead.

A In the last year to year and a half this has all been kind of a new learning thing.

Q So you educate yourself based upon the information provided by FreshLook?

A Correct.

Q So you rely upon that information; correct?

MR. TOMLINSON: I object to the form of the question. Asked and answered.

Q (By Mr. Castro) Do you rely upon that information?

MR. TOMLINSON: I object to the form of the question.

Q (By Mr. Castro) Okay. You can answer it.

A For a specific -- to this, again, I cannot cite a specific example where we used that information in order to push a business project through or anything. No. Again, it's about general learning at this point.

Q Based upon that information, do you know what your market share is in the poultry industry?

A We have an idea what it is. If you -- again, if

you understand the methodology and believe in the methodology, I think it's directionally a good indicator of what the market share would be.

Q And what is it?

A This is -- again, let me just state that this is a 13-week number for the time period ended August 26th, '01. And for Butterball, it says that it was a 9 percent share for that time period compared with the previous 13-week time period, which ended in May of '01 of 9.2. So it went from 9.2 to 9.1. It's all within about a 0.1 percentage for the Butterball business.

When you look at this, what you learn is that there are many, many, many poultry brands. It's a very fragmented business. You could make some observations by looking at this, some general observations by looking at this data again.

Q Other than this one page, 7496, do you have other information from FreshLook data that helps you determine your market share?

A We -- yes, we do. This would be poultry. We would have this kind of information for the beef category, ham category.

Q Any other -- any other information with respect to the poultry business, other than this one page?

A Basically, FreshLook provides us with data tables.

And I don't -- I personally don't work with that data every day or, you know, rely on that data on a day-to-day basis. You can query the data and run reports, so you can query the data and perhaps, you know, try to dig into it to learn some more things, but on a day-to-day basis, we don't use the FreshLook data in that way.

There aren't -- you know, there are some standard and set reports that are generated --

Q By whom?

A -- but as far as drilling down into a category like poultry, it would require some work and digging. And I don't believe we even -- within, for example, the poultry category, we don't have product level information, SKU or UPC code level information. We don't currently buy that level of data. We get it at a higher level than that.

Q At what higher level do you receive that data?

A Typically, the poultry level, that I personally --

Q And you get that data -- I'm sorry.

A Other people may drill down further, I'm not sure.

MR. TOMLINSON: You guys.

MR. CASTRO: All right.

MR. TOMLINSON: Tennis ball.

MR. CASTRO: I know.

Q (By Mr. Castro) Do you receive -- is there any other information from FreshLook data that you have within

your marketing group that talks about the deli poultry trends other than this one page?

MR. TOMLINSON: Object to the form of the question.

THE WITNESS: I personally don't have that information. I suppose that it could be -- a custom report or a query could be written and someone could drill down. If someone had the data tables, they could probably develop a report, depending upon what kind of question you were trying to answer.

Q (By Mr. Castro) You've talked about data tables. This is information provided by FreshLook Data to Armour Swift-Eckrich; is that correct?

A That's correct.

Q And how is that provided to Armour Swift-Eckrich? By a computer or by hard paper?

A By a -- in a computer file, managed on someone's desktop, essentially.

Q And please help me understand. The data tables will break down by at least deli poultry category, did you say hamburger category?

A Ham.

Q Ham. All right. Separate categories, information similar to what we see on 07496?

A That's correct.

Q When did you first start using FreshLook data?
A Approximately a year -- a year to a year and a half ago. This five -- you can look at the dates on this particular one. I think 5/27/01 was some of the first data that we had. And then over time, you can get a better feel for the data, because you're capturing more weeks.
Q So there's other reports like this for after 8/26/01; correct?
A Correct. This is just one example of, you know, a report that could come out of that data.
Q Do you -- were you asked to produce the rest of these?
A For today's meeting?
Q Yes.
A No. I was not. I was -- I believe it was my understanding that we were asked to produce an example. This is an example of the data that's there. This is one example.
Q What products are included in this deli poultry brand ranking?
A The specific product items within the poultry category would be everything sold within poultry, so that would include oven-roasted products. It would include a peppered product. It would include, you know, a honey-smoked product. All poultry would be included in

that ranking in this total poultry.

Q Okay. In particular with Armour Swift-Eckrich, when I see here Butterball, what product does that include?

MR. TOMLINSON: I object to the form of the question?

THE WITNESS: It's my understanding that that would include all, every turkey breast in the Butterball line in deli that's captured by FreshLook.

Q (By Mr. Castro) Is that the Maillose-browned product?

A It would include that, as well as any other product in the Butterball deli line. We have other flavors in the Butterball deli line, like lemon pepper or Cajun. It would include all Butterball poultry deli breast this that number.

Q So it would include other lines other than in Maillose-browned product?

A Yes, it would.

Q What about for Healthy Choice?

A That would be the same. It would include all the Healthy Choice products, all flavors, all shapes and sizes.

Q Is there any internal analysis that Armour Swift-Eckrich does that breaks down even further this ranking?

A It's my -- it's my understanding that we don't

purchase -- so for example, at an SKU level, we do not have that data.

Q Okay.

A So we currently do not buy data at that level.

Q I have -- is there any other products on this list that are made by Armour Swift-Eckrich that I'm not seeing other than the Butterball and the Healthy Choice?

A Eckrich should be on here, but it's probably such a small share.

Q Yeah. That's right. It is. It's actually down here somewhere. It actually says 0.0.

A Another brand is Armour, which is basically 0.

Q Is any Armour product produced using that Maillose-browning process?

A No, it's not.

There's a Swift item on here as well that says 0.2 percent share, but none of the Swift items are produced using the Maillose process.

Q Where is that? I'm sorry.

A It's in the first column toward the bottom. It says 0.2.

Q Oh, I see. Okay. Thank you.

Do you know whether this document includes both catch weight and fixed weight products?

A This document would only be random weight, not

exact weight.

Q Okay. You may have answered that earlier. I apologize.

Would any of the Maillose-browned products be considered fixed weight products?

A No.

Q Okay.

A They're all random weight.

Q So they would all be included in this random weight document?

A That's correct.

Q All right.

MR. CASTRO: Bob, I have a hard time understanding why the rest of these reports that you have, that your client has, weren't produced when this one was produced, and would request those now. I think they're responsive to --

MR. TOMLINSON: Tell me what you think they're responsive to.

MR. CASTRO: Market analysis, market examination done by your client.

MR. TOMLINSON: Show me the topic that you believe they are responsive to on a request for production, because I don't believe they are.

MR. CASTRO: Okay. I'll put it in a letter. I

don't have the request in front of me, but I know that they are -- they deal with market information.

MR. TOMLINSON: I believe she's testified that there is a database that they purchase. And she has not testified that routinely there are documents available with reports. So you've got one. No one -- no one has testified that another report has been run and exists, merely that there's a database from which it could be done.

And we have some issues about we pay these people for a certain thing that they give us and then there are restrictions on what we can do with that, but we are not obligated to run reports on that database for you.

So first of all, I don't know what other reports exist as documents as opposed to someone could write a program and run a report. Second of all, I don't believe that this is responsive to market share information, because it is not about the product that is involved in this case or the process that you allege is involved in this case. But if you want to show me a request you think it's responsive to, we would be happy to look at it.

MR. CASTRO: To clear up and to clarify what you just said on these documents.

Q (By Mr. Castro) Ma'am, aren't the -- the products that you mentioned that are produced with that Maillose process, aren't they included within this 7496?

A They're included along with all of the other products under that brand. That's correct.

Q And --

MR. TOMLINSON: And I'm not contesting that.

MR. CASTRO: All right.

Q (By Mr. Castro) Are these documents generated on a quarterly basis to make it a piece of paper like you've identified here as 7496?

A No. They're -- they're pretty much available there for querying. And again, they're at a pretty high level.

Q Who queried to get this document produced today?

A I'm really not sure. I know that -- I'm not sure who did this particular one, if this came from -- my manager was asked at one point, I think, to give some examples of reports. And perhaps this is one that he had pulled as an example and he submitted it to one of the attorneys.

MR. TOMLINSON: It's very likely that the lawyer asked for a report and it was run and that's the only document that exists.

MR. CASTRO: Okay.

Q (By Mr. Castro) Number 12, ma'am, I ask you if you can identify that. It's Bates-stamp Nos. 7497 through 7511. The top of the first page to the left is Deli-Scan.

A This appears to be -- this is one of a series of documents that Deli-Scan would have put together. It's not a document that I have used or have ever used frequently. It's a sales ranking. It has a lot of territory information that shows -- it shows, you know, relative -- here's the whole market or at least Deli-Scan's estimation of the poultry market by region and then what Armour Swift-Eckrich's share would be, what their estimation of Armour Swift-Eckrich's share is for each of those regions.

And it shows that in 1994, as just one example, versus 1993 and what the change is.

Q At 7499, it's the third page in.

A Uh-huh.

Q It says oven roasted prepared turkey breast. What -- what type of turkey is that considered, if you know?

A I believe that the top page, the 7497, is total poultry, so that would include all poultry, all different flavors, including oven roasted, including peppered and different flavors.

The one that -- the page that you just asked me about, which would be then '99, 7499, is a little bit of a drilldown. It drills down a little bit and it's taking of that, the oven roasted piece of it. How Deli-Scan defines oven roasted, I would have to -- there would probably have to be some research done to understand exactly which

products they call oven roasted.

Typically, a vendor, when they collect the information like that, they just look at a product name to determine how to classify it. If something says oven roasted, they probably called it oven roasted. So out of all of the turkey, out of the poultry, you know, they're capturing -- they're trying to drill it down a little bit. It probably is most of the category, because the flavored part of turkey isn't quite as large as oven roasted.

But perhaps they had a category called honey as well. So within poultry, Deli-Scan may describe the categories in a certain way. It's just how they define them.

Q Sounds like you don't know, do you?

A FreshLook --

MR. TOMLINSON: I believe the question was answered. I believe the answer's clear.

Q (By Mr. Castro) I'm sorry. You referred to Fresh?

A FreshLook may have a whole different definition of how -- when you're capturing data, they may put one SKU in a bucket and another vendor may call it something else. It's simply how they're categorizing the data. So they happen to divide it up and they say total poultry is the top level, turkey breast is the next level underneath, and oven roasted is another level underneath. There's probably

a honey smoked and there's probably a flavored. And they just dump the data into different buckets.

Q Okay.

A That's simply what this is. You can agree or disagree with where they put things. And without knowing which individual SKUs they put in each bucket, I don't really even know where they're capturing. We don't know. We would have to go ask Deli-Scan.

Q And that's what I meant.

A To get the --

Q You're not certain which categories they put into this oven-roasted --

A Correct.

Q -- category?

A I mean, at an SKU level, we don't have that information in front of us.

Q Okay. And would that same thing be true with 7501?

A Yes. That total poultry's at the top. Correct. But once they define a category, they will hold that category across all of their reporting, so I mean, they're consistent.

Q Okay. I think we're saying the same thing. I mean, so there's a key, there's something else I need to look at to determine what they mean by oven roasted

prepared turkey breast?

A We would have to -- if we, again, believe this data, if we believe this data is directionally correct, I think we would have to understand which individual SKUs make up that. And I don't have that data.

Q But is this information that you used when you put together Exhibit 9?

A As I mentioned earlier, we didn't have a distribution drive behind this product launch. We simply were focused on communicating that there was a product change, a product improvement.

Q Okay.

A We didn't have specific sales targets established by territory that we said, hey, we want to increase distribution from this to this. Had that been an initiative that we had undertaken, this type of information might have been directionally used to help see, hey, where do we have distribution, where do we not. But frankly, I did not use this information for that purpose. We didn't rely on this information for anything.

Q Okay.

A This is just an example of the deli -- the type of data that we would get from Deli-Scan.

Q When you do a product launch, do you normally put together sales targets?

MR. TOMLINSON: I object to the form of the question.

THE WITNESS: I explained earlier that there is a marketing group versus a business group.

Q (By Mr. Castro) Right.

A And the deli organization, where I work, our roles are defined -- may not be classically defined as what you would expect to see in a company organization. But the marketing plays a support role, and we're less involved in defining sales targets. And I specifically was not charged with managing that related to this launch. I was charged with managing the marketing behind this project.

Q All right.

A Not obtaining sales targets or defining sales targets.

Q Would you go down to 7507. It gets into the year 1999. Do you see that? That's Bates stamp 07507.

A Yes.

Q Does that product -- or excuse me. Does this Deli-Scan report include products using the Maillose-browned process?

A It's a total poultry report, so yes. I would expect that it would -- when it calculates the ASE piece of it, that it would include that in that number. But again, now this particular page is total poultry, which would have

brands other than even -- it would have all Healthy Choice, Butterball, Eckrich, Armour.

Q Okay.

A It would have everything altogether again at a higher level.

MR. TOMLINSON: Would you read that question back, please, so she can hear the question again.

(Previous question was read back by the Reporter)

THE WITNESS: Yes.

Q (By Mr. Castro) As well as other products that aren't -- that don't use that Maillose-browning process?

A Correct. It's a total poultry look.

Q What about down in 7510, where it has the oven roasted/prepared turkey breast category?

A Yes. It would include the Maillose items, again, all added together.

Q With other products?

A Along with other products that Deli-Scan coded and classified as oven roasted.

Q By reviewing this information, can you determine which products -- what percentage of the products were made using the Maillose-browning process?

A No, I can't. I can't for Armour Swift-Eckrich and I can't for the market. We don't have that level of detail.

Q Okay. Do you know why you requested this information from Deli-Scan?

A This was -- we did not request this. It was part of a standard package that we had purchased from them. They would give us rankings of territories by protein. Again, turkey -- we have the same report like this for ham, same for beef.

Q Okay.

A So it was not requested specific to this particular project. It was just something we got for the total deli business.

MR. CASTRO: Bob, I'm going to look at these and I'm just about done, look at the documents.

Q (By Mr. Castro) You may have answered it. Do you still sell a white turkey breast?

A Under the Butterball, Healthy Choice, and Eckrich?

Q That's correct.

A Under Butterball, the only white turkey breast that we have, it's a different SKU number. It's the low salt and we do still sell that.

Q Do you sell it under any other brand?

A I -- the low salt is all -- Healthy Choice, no. No. It's just under the Butterball brand, a low salt --

Q Do you sell any other -- I'm sorry.

A So any other white product, that's the only other

white product would be this low salt.

Q Okay. Have you noticed a trend in sales of the browned product using this Maillose-browning process versus the trend you had with the white products you used to sell that were replaced by this Maillose-browned product?

A I believe that fell within Tim's testimony in terms of the volume on that. Because again, the role of marketing, I wasn't responsible for the sales end of it, so I did not track shipments, track, you know, that kind of data.

Q Okay. Did you -- you started with Armour Swift-Eckrich in about October of '97; right?

A Uh-huh.

MR. CASTRO: Okay. Bob, did you have another copy of this? Is this my copy so I can...

MR. TOMLINSON: (Attorney moves head up and down).

Q (By Mr. Castro) For the record, Ms. Burns, when we talk about Maillose, the Maillose-browning process, does that also mean to you the process as contained in that '027 patent?

A Yes.

(Short Break)

Q (By Mr. Castro) Is any of the Butterball chicken or Healthy Choice chicken made with the Maillose-browned process?

A At the time of the -- at the time of the launch, that decision had not been made yet. We -- we -- it was not included. But if, since that time -- you know, I haven't worked on this brand for a couple of years. I don't know. I don't know. I can find that out, though. I mean, that's -- I would -- I think that question has been asked before or maybe unanswered by someone. I'm not sure.

At the time when it was under my jurisdiction, the answer would be no. But since then, I don't manage that business today. For the last few years, I haven't managed the Butterball business in several years. If somebody has made that decision, I'm not aware of that.

Q Is that -- the time you were responsible for that decision, do I understand your testimony to be that a decision had not been made whether to produce the Butterball or Healthy Choice chicken products using the Maillose-browned process?

A Yes. And now that I'm thinking about this a little bit longer, those products are oil browned. They're not Maillose browned.

Q At one time, did you test samples to determine whether you wanted to Maillose brown those?

A No. I believe we looked at those just because we were trying to compare the taste of the oil browned versus the Maillose. It might have come up as a conversation,